



January 27, 2006

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## HOUSE BILL No. 1113

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DIGEST OF HB 1113 (Updated January 26, 2006 1:03 pm - DI 97)

**Citations Affected:** IC 34-30; noncode.

**Synopsis:** Liability connected with consumption of food and beverages. Grants immunity from civil liability for certain persons in the food and beverage industry as to a claim concerning weight gain, obesity, a health condition associated with weight gain or obesity, or a generally known condition allegedly caused by or allegedly likely to result from the long term consumption of food or beverages.

**Effective:** July 1, 2006.

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**Foley, Ripley**

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January 5, 2006, read first time and referred to Committee on Judiciary.  
January 17, 2006, reassigned to Committee on Insurance.  
January 26, 2006, amended, reported — Do Pass.

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HB 1113—LS 6768/DI 107+



January 27, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

## HOUSE BILL No. 1113

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A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 34-30-23 IS ADDED TO THE INDIANA CODE  
2       AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2006]:

4       **Chapter 23. Liability Connected With Consumption of Food and**  
5       **Beverages**

6       **Sec. 1. This chapter does not grant immunity from civil liability**  
7       **with respect to a claim alleging that:**

8           (1) **an adulteration or misbranding of food or a beverage**  
9           **proximately caused the claimed injury; or**

10          (2) **a knowing violation of federal or state law applicable to**  
11          **the manufacturing, marketing, distribution, labeling, or sale**  
12          **of food or a beverage proximately caused the claimed injury.**

13       **Sec. 2. Section 3 of this chapter applies to the following:**

14           (1) **A food or beverage manufacturer.**

15           (2) **A food or beverage distributor.**

16           (3) **A food or beverage carrier.**

17           (4) **A person who stores food or beverages.**

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1 (5) A food or beverage seller.

2 (6) A food or beverage marketer.

3 (7) A food or beverage advertiser.

4 (8) A group or association containing more than one (1) of the  
5 persons referred to in subdivisions (1) through (7).

6 Sec. 3. A person or group or association of persons referred to  
7 in section 2 of this chapter is immune from civil liability arising  
8 from a claim concerning:

9 (1) weight gain;

10 (2) obesity;

11 (3) a health condition associated with weight gain or obesity;  
12 or

13 (4) a generally known condition:

14 (A) allegedly caused by; or

15 (B) allegedly likely to result from;

16 the long term consumption of food or beverages.

17 SECTION 2. [EFFECTIVE JULY 1, 2006] IC 34-30-23, as added  
18 by this act, does not apply to a cause of action that accrues before  
19 July 1, 2006.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1113, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, after "Food" insert "**and Beverages**".

Page 1, line 7, after "food" insert "**or a beverage**".

Page 1, line 11, after "food" insert "**or a beverage**".

Page 1, line 13, after "food" insert "**or beverage**".

Page 1, line 14, after "food" insert "**or beverage**".

Page 1, line 15, after "food" insert "**or beverage**".

Page 1, line 16, after "food" insert "**or beverages**".

Page 1, line 17, after "food" insert "**or beverage**".

Page 2, line 1, after "food" insert "**or beverage**".

Page 2, line 2, after "food" insert "**or beverage**".

Page 2, line 15, after "food" insert "**or beverages**".

and when so amended that said bill do pass.

(Reference is to HB 1113 as introduced.)

RIPLEY, Chair

Committee Vote: yeas 7, nays 4.

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**Y**

